

**Notice of Allowability**

Application No.

10/750,729

Applicant(s)

CARRASCO ET AL.

Examiner

Art Unit

Alex P. Rada

3712

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/31/06.
2. ☒ The allowed claim(s) is/are 7-9, 13 and 18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                            |                                                                                       |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|                                                                                                            | 9. <input type="checkbox"/> Other _____                                               |

## **DETAILED ACTION**

### ***Response to Amendment***

In response to the amendment filed March 31, 2006 in which the applicant cancels claims 1-6, 10-12, and 14-17, amends claims 7-9 and 13, adds new claim 18 and claims 1-9, 13 and 18 are pending in this application.

### ***Reasons for Allowance***

1. Claims 1-9, 13 and 18 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art does not teach nor disclose according to claim 18, a musical baby bottle employing a liquid container, an electrical power source, and a musical player, a base containing the electrical power source and the musical player and forming a liquid container seat to receive and support the liquid container from beneath and wherein the base defines within its structure a cavity with a circular outer perimeter and an axial center, the improvement comprising an omnidirectional, gravity operated switching mechanism including a cavity floor formed within the base an inverted, frustoconical, inclined surface with a detent recess at the axial center of the cavity and the cavity floor is include toward the detent recess at an angle of no less than about two degrees and no greater than about ten degrees, and the floor slopes from the outer perimeter away from the liquid container and toward the axial center at a uniform angle of inclination relative thereto and a sphere movable by gravity to roll freely across the floor and beneath the liquid container when the liquid container is tilted from vertical alignment, whereby the sphere operates the switching actuator when the sphere is lodged in the detent recess to create an open circuit condition and when the sphere rolls out of the detent recess to create a closed circuit condition between the electrical power source and the musical player when

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the base is tilted sufficiently from vertical alignment in combination with the rest of the claimed limitations. The closest prior art of Allen and Lam disclose a musical baby bottle comprising an electrical power source, a musical player, a base containing the electrical power source and the musical player and forming a liquid container seat to receive and support the liquid container from beneath, a gravity operated switch having a detent recess therein whereby the ball operates the switch actuator when lodged in the detent recess. Allen and Lam fail to disclose the improvement of an omnidirectional, gravity operated switching mechanism including a cavity floor formed within the base an inverted, frustoconical, inclined surface with a detent recess at the axial center of the cavity and the cavity floor is include toward the detent recess at an angle of no less than about two degrees and no greater than about ten degrees, and the floor slopes from the outer perimeter away from the liquid container and toward the axial center at a uniform angle of inclination relative thereto and a sphere movable by gravity to roll freely across the floor and beneath the liquid container when the liquid container is tilted from vertical alignment, whereby the sphere operates the switching actuator when the sphere is lodged in the detent recess to create an open circuit condition and when the sphere rolls out of the detent recess to create a closed circuit condition between the electrical power source and the musical player when the base is tilted sufficiently from vertical alignment in combination with the rest of the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
APR

  
**JOHN M. HOTALING, II**  
**PRIMARY EXAMINER**